

APPROVED: Meeting No. 9-84

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 6-84

March 12, 1984

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 8:00 p.m. on Monday, March 12, 1984.

PRESENT

Mayor John R. Freeland

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

ABSENT

Councilman Steve Abrams

(due to illness)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. The new pool at the Municipal Swim Club will have an open house this week-end. The festivities begin Friday at noon and continue with a special dedication Saturday afternoon at 2. Membership sales have more than doubled the figures of last year.
2. Tribune United Cable Company has begun wiring Stonestreet, Taylor Avenue, Reading Avenue, the Veirs Mill Road section from Gail Avenue to the Dodge Triangle and Maple Drive.
3. The Recreation and Park Department received the 1983 Maintenance Idea Award and was featured in Park Maintenance Magazine for Greg Bayor's article on a portable stage concept.
4. Bids for the construction of Research Boulevard and the Gude Drive Bridge over I-270 have been advertised and will be received on March 29.

Re: Appointments

The following appointments were made by Mayor Freeland. They were confirmed by the Mayor and Council.

Senior Citizens Commission: Arnold A. Ravick - appointed - three year term
7 Lily Pond Court

Traffic & Transportation Commission: Brian E. McCollom - appointed - two year term
2 Camden Court

Recreation & Park Board: Leo Leitner - reappointed - two year term

Stanley Harris - appointed - two year term
1119 Grandin Avenue

Economic Development Council: Michael O'Neill - (Chamber appointment) - two year term
11402 Duryea Drive
Potomac, Maryland 20854

Landlord Tenant Commission: David Pollinger - Landlord Member - three year term
Pollinger Company

Mary Vaarwerk - Landlord Member - two year term
Mt. Vernon Realty

Roderick Loss - Landlord Alternate - one year term
9805 Wilden Lane
Potomac, Maryland

Nan McIntyre - Tenant Member - three year term
2000 Baltimore Road, A-32

Robin Weiss - Tenant Member - two year term
13304 Midway Avenue

Dennis Luglai - Tenant Alternate - one year term
424 College Parkway

Scott Swerling - At-Large Member - three year term
238 Watts Branch Parkway

Maurice Ward - At-Large Member - two year term
641 Crocus Drive

Lillian Osborne - At-Large Member - one year term
500 Nelson Avenue

The members of the Landlord Tenant Commission, present in the audience, were introduced.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Jan Hirschfeld, re recreation programs
2. Oralee V. Barron, re CDBG
3. MNL, re doorprize for convention
4. Fallsmead Homes, re neighborhood problem

Councilwoman Hovsepian asked if the staff had any information on this. Councilman Tyner noted the staff report that had just been handed to the Council in which the owner of the property agreed to see that the situation was corrected.

5. Reverend Kaseman, re thank you
6. Senator Shore, re Falls Road/Kersey
7. Senator Shore, re POS funds

8. MML, re SB 907

Councilman Tyner commented that the companion bill HB 834 was discussed in committee last Friday. He attended the meeting and the City's testimony was well accepted. It will now be up to the Committee to decide one way or another.

9. Keith Fisher, Cultural Arts Commission, re policy statement

Councilwoman Hovsepian said she plans to discuss this under new business.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Lisa Taylor. Miss Taylor thanked Chief Stout and Officer Rick Tepper for their outstanding assistance to her in a personal crises. She said in her real estate business she constantly points out to people the advantages of living in the City of Rockville since Rockville has many benefits that are not found in Montgomery County. It will be easier now to express that after her personal experience.

2. Jerome Leszkiewicz, 813 Woodley Drive, acting President, Woodley Gardens Homeowners Association. Mr. Leszkiewicz addressed the Mayor and Council on the State project to widen I-270. He noted the importance of the City's taking a very active role in the current hearing process. With the aid of photographs and charts, he showed the Council what the problems will be. The photographs showed the barrier wall installation at 495 near Georgia Avenue. The graphs illustrated the noise flow at various distances from the wall. He said the finding of "no significant impact" is erroneous. He feels it is absolutely essential that the Mayor and Council's involvement be there in order to retain the quality of life. The Mayor and Council assured Mr. Leszkiewicz that the City will be working on this matter.

3. Phyllis Corlander, 670 Azalea Drive, Regent Square Board of Directors. Mrs. Corlander also addressed the widening of I-270 and told the Council that some ratios are some 25 feet from the shoulder of the wall. The vibrations from the roadway have not yet been addressed nor have night measurements been done. The home values have dropped in the area since talk of construction began. She also said that Rt. 28 overload has not been adequately addressed.

4. Eileen McGuckian, Peerless Rockville. Ms. McGuckian presented the Mayor and Council with a check for \$30,000 which was Peerless Rockville's repayment of a loan given by the Mayor and Council in order to preserve the 1874 Farmhouse. Mrs. McGuckian recounted the story which began with the need to preserve the structure and the difficulties along the way and the happy ending now that the Owens have restored the house. She noted that the house will be open to the public one day a year. Mayor Freeland thanked Ms. McGuckian.

5. William Miller. Mr. Miller noted that Lone Oak School should be open as a public grade school.

6. William Clark, 101 South Van Adams Street. Mr. Clark spoke on behalf of the other applicants for rezoning applications M-35-83 and M-36-83 on this evening's agenda. He respectfully requested the Mayor and Council to allow the withdrawal of the applications without prejudice.

7. James Vitol. Mr. Vitol told the Mayor and Council that although it has the discretion to allow withdrawal of any zoning applications, it would be in the best interest of the citizens to complete the process on M-35-83 and M-36-83 with a decision for precedent purposes in the future.

8. Mark Allan of the North Farm community, asked if there was any information available on the sump pumps that were installed by Kettler Brothers in their community that are spewing water on the sidewalks. He noted that he has requested a meeting with the Mayor to get information on this. The Mayor assured Mr. Allan that as soon as there is information available it will be shared with him.

9. Mr. Miller. Mr. Miller told the Mayor and Council that the City has had chocolate water for 13 days.

10. Regina McAndrews, 208 West Montgomery Avenue. Ms. McAndrews agreed with Mr. Vitol and requested that the Mayor and Council take action on the resolution to deny Map Amendment Applications M-35-83 and M-36-83. She said many efforts have gone into this process and those efforts deserve action on the resolution tonight.

11. Alice Kelly. Ms. Kelly told the Mayor and Council that she supports James Vitol and Regina McAndrews. A lot of meetings have been held and she does not like to see the applications set aside and the effort wasted. Councilman Tyner asked that the City Attorney be prepared to address the ramifications of Item No. 18.

12. Mr. McDermot, 615 Nelson Street. Mr. McDermot told the Council that there is a problem with the pavement on Nelson Street. It is not a good surfacing job and it should be remedied. There is also difficulty at his driveway. The City Manager explained the process of smoothseal flaring edges to prevent build up. He added that the staff will certainly inspect the area near Mr. McDermot's house to see if it has been laid properly.

There being no other citizen wishing to be heard, the Mayor closed the Citizen's Forum portion of the meeting.

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Re: Public Hearing:
Proposed Ordinance to
set stipend for Mayor
and Council at \$8,000
and \$6,000
respectively

The Mayor and Council conducted a public hearing on a proposed ordinance to set stipend for Mayor and Council at \$8,000 and \$6,000 respectively, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Public Hearing:
Proposed Ordinance to
Revise and Amend
Appropriations
Ordinance No. 7-83
for FY 83

The Mayor and Council conducted a public hearing on a proposed ordinance to revise and amend appropriations ordinance No. 7-83 for FY 83, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Public Hearing:
Proposed Ordinance to
Revise and Amend
Appropriations
Ordinance No. 24-83
for FY 84

The Mayor and Council conducted a public hearing on a proposed ordinance to revise and amend Appropriations Ordinance No. 24-83, for FY 84, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Public Hearing: Resolution:
To enlarge the corporate
boundaries of the City to
include 0.45 acres of land, on
the north side of Southlawn
Lane, Application, X-88-83,
Mayor and Council of
Rockville, Maryland, applicant

The Mayor and Council conducted a public hearing to enlarge the corporate boundaries of the City to include 0.45 acres of land, on the north side of Southlawn Lane, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

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Re: Public Hearing: Resolution to enlarge the corporate boundaries of the City to include 1.175 acres of land, more or less, on Rothgeb Drive, X-89-83, Mayor and Council of Rockville, Applicant

The Mayor and Council conducted a public hearing on a resolution to enlarge the corporate boundaries of the City to include 1.175 acres of land, more or less, on Rothgeb Drive, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Public Hearing: To enlarge the corporate boundaries of the City to include 7.99904 acres of land, more or less, on the north side of Hectic Hill Lane, X-90-83, Mayor and Council of Rockville, Applicant

The Mayor and Council conducted a public hearing on a resolution to enlarge the corporate boundaries of the City to include 7.99904 acres of land, more or less, on the north side of Hectic Hill Lane, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Public Hearing: Resolution: To enlarge the corporate boundaries of the City to include 0.3453 acres of land, more or less, in Seven Locks Road, X-91-83, Mayor and Council of Rockville, Applicant.

The Mayor and Council conducted a public hearing on a resolution to enlarge the corporate boundaries of the City to include 0.3453 acres of land, more or less, in Seven Locks Road, X-91-83, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Public Hearing: Resolution: To enlarge the corporate boundaries of the City to include 0.5137 acres of land, more or less, on the east side of Avery Road, X-92-83, Mayor and Council, Applicant.

The Mayor and Council conducted a public hearing on a resolution to enlarge the corporate boundaries of the City to include 0.5317 acres of land, more or less, on the east side of Avery Road, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

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Re: Public Hearing: To enlarge the corporate boundaries of the City to include 36.593 acres of land, more or less, on the north side of Baltimore Road, X-93-83, Mayor and Council of Rockville, Applicant.

The Mayor and Council conducted a public hearing on a resolution to enlarge the corporate boundaries of the City to include 36.593 acres of land, more or less, on the north side of Baltimore Road, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for three weeks.

Re: Public Hearing: Resolution: To enlarge the corporate boundaries of the City to include 1.0823 acres of land, on the north side of Southlawn Lane at North Horners Lane, J.B. & Company, Applicant

The Mayor and Council conducted a public hearing on a resolution to enlarge the corporate boundaries of the City to include 1.0823 acres of land, on the north side of Southlawn Lane and North Horners Lane, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for one week.

Re: Approval of lease agreement with Tribune United for installation of head end cable equipment in portion of Mall garage

This is a proposed Lease Agreement to be executed by the Mayor and Council of Rockville, Rockville Mall Associates Limited Partnership (Eisinger/Kilbane), and Tribune United Cable of Montgomery County. Tribune United intends to lease approximately 24,000 square feet on the middle level of the Town Center Garage. Tribune United will enclose the leased premises with a block wall for storage of its electronic equipment. The area in question is part of the parcel pick-up location of the former department store, thus, there will be no reduction in parking spaces.

Rent for the area will be computed at \$2.50 per square foot or \$6,000 per year. The rent will be paid in monthly installments of \$500.

The lease is for an initial term of five years with options for two five year extensions.

It is recommended that the Mayor and Council approve the Lease Agreement.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the Lease was approved.

Re: Preliminary Review
and referral of Text
Amendment Applica-
tion, T-58-84,
Planning Commission
of Rockville, Applicant

The subject application has been prepared and filed on behalf of the Planning Commission to correct an error on the Tables of Development Standards for Town Center Zones. This amendment will correct a "footnote" which affects building lines in the TCO-1 Zone.

Councilman Tyner questioned this never coming to light until an application was received. He asked if this is actually an error or a change in the intent. The City Manager explained the word 'height' was used when actually 'width' was the intention. Councilman Tyner noted that he has a problem with this and it will be addressed at the time of the public hearing; however, he would like his comments to be forwarded to the Planning Commission during their review.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Text Amendment T-58-84, was referred to the Planning Commission for further action.

Mayor Freeland noted that Item No. 16, approval of Sales Contract has technical difficulties which the City Attorney needs additional time to address. He also noted that on Items 17 and 18, both applicants had requested withdrawal. Because of this and the strong possibility that discussion could result in a tie vote, these items will be postponed until a full Council is present.

Re: Resolution: To
provide for an
Advisory Referendum

The Council reviewed the resolution as presented by the City Attorney to provide for an advisory referendum and the Council agreed the questions might be worded in a better manner to allow the vote to more truly reflect the opinion of the voters. The City Attorney will bring it back at the next Council meeting.

Re: Award of Contract:
Bid No. 33-84 and
38-84, Trucks

As part of the Vehicle Replacement Program, Bids No. 33-84 and 38-84, were opened on February 22, 1984, at 3:00 p.m. The purpose of these bids is to provide vehicles for those units scheduled for replacement.

The tabulation of each bid is as follows with low bids shown first and progressing to the high bid:

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Bid No. 33-84 Pickup Trucks (6)

<u>Vendor</u>	<u>Base Bid</u>	<u>Total Bid</u>
1. Rosenthal Dodge 750 North Glebe Road Arlington, Virginia 22203	\$ 8,340.00	\$50,040.00
2. Bob Banning Motors 8100 Annapolis Road New Carrollton, Maryland 20784	\$ 8,594.88	\$51,569.30
3. Sport Chevrolet 3100 Automobile Boulevard Silver Spring, Maryland 20904	\$ 8,775.00	\$52,650.00
4. Key Chevrolet-Cadillac Inc. 114 Baughmans Lane P.O. Box 678 Frederick, Maryland 21701	\$ 8,818.00	\$52,908.00
5. Steuart Ford 9020 Lanham-Severn Road Lanham, Maryland 20706	\$ 8,995.00	\$53,970.00
Budgeted Amount	\$63,600	\$10,600 each
FY 84 Low Bid	\$50,040	\$ 8,340 each
FY 83 Low Bid		\$ 8,190 each
Percent increase		+1.8%

The low bidder has been determined to be responsible based on previously satisfactorily completed work for the City.

Bid No. 38-84 Dump Truck (35,000 GVW) (2)

<u>Vendor</u>	<u>Base Bid</u>	<u>Total Bid</u>
1. Jacobs Ford Truck Sales 8300 Ardwick-Ardmore Road Landover, Maryland 20185	\$33,169.00	\$66,338.00
2. Central G.M.C. 3801 Ironwood Place Landover, Maryland 20785	\$33,189.00	\$66,378.00
3. District International Trucks, Inc. 5000 Tuxedo, Maryland 20781	\$34,332.00	\$68,664.00

The low bidder has been determined to be responsible based on work satisfactorily completed for the District of Columbia and for Washington Gas.

Budgeted Amount	\$73,900.00	
FY 84 (2)	\$66,338.00	\$33,169.00 each
FY 83 (5)	\$149,130.00	\$29,826.00 each
Percent increase		+11.2%

Staff recommends that these awards be made as follows:

Bid No. 33-84 to Rosenthal Dodge in the amount of \$50,040.00 for replacement of six (6) Pick-up Trucks and Bid No. 38-84 to Jacobs Ford Truck Sales in the amount of \$66,338.00 for replacement of two (2) Dump Trucks (35,000 GVW) excluding options.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Bid No. 33-84 was awarded to Rosenthal Dodge in the amount of \$50,040.00 for six pick-up trucks and Bid No. 38-84 was awarded to Jacobs Ford Truck Sales in the amount of \$66,338.00 for replacement of two dump trucks.

Re: Approval of waiver of
on-site storm water
management, Lot 55,
Block H, Croydon Park

This request is for a single family lot located at 323 South Horners Lane in the Rock Creek drainage area.

The grades of this lot are steep and a number of trees would have to be removed to provide an acceptable on-site S.W.M. system.

This lot is not conducive to an on-site S.W.M. system. The increase in run-off is less than 1 cfs and since safe conveyance can be provided to compensating public S.W.M. structures in the Maryvale Park it is recommended that the City waive the on-site S.W.M. requirement and accept a contribution of \$504.25 (.25 acres @ 2017 per acre) toward the City's Public S.W.M. program subject to concurrence by the Montgomery Soil Conservation District.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, approval was given to waive on-site storm water management and accept a contribution of \$504.25.

Re: Information Items

1. Senior Newsletter
2. Memo from City Attorney re Woodmont C.C. v. Montgomery County
3. Information on Bi-County Sewage Treatment Capacity Agreement
4. Project reports from CDHA
5. Memo from City Attorney re Ralph v. Montgomery County
6. Memo re Neighborhood Association Meeting with SHA re I-270 widening

The Mayor and Council discussed this problem at length. The City Manager explained that at the present time holding meetings with representatives of SHA and initiating the dialogue is the preferable course so that the City's points can be made apparent. It would not help to assume an adversary position. The Mayor and Council agreed with the City Manager and asked this be explained to the neighborhood as a preferable course of action at this time.

7. Traffic Engineer's correspondence
8. Memo from Director of Public Works re "Giant" driveway

Councilwoman Hovsepien suggested a sign "Stop Here on Red" be placed to facilitate traffic movement.

9. Shady Grove West Study Area Alternative Proposal

Councilwoman Hovsepien commended the staff on the completeness of this report. She said it fits in with other discussions this evening.

10. Newsletter Article by Paul Radauskas

Councilwoman Hovsepien suggested a follow-up article be done on the limitations imposed on inspectors so people were aware of the results

Re: New Business

1. Councilman Tyner noted the excellent report done by the staff on the townhouse application at Orchard Ridge. He said the entire townhouse procedure should be reviewed. The Mayor suggested the Mayor and Council might consider a moratorium on PRU applications for townhouses for six months. The Council agreed this would probably be the best course to take to discourage applications while the process can be reviewed.

2. Councilwoman Hovsepien referred to a policy statement that was received from the Cultural Arts Commission. Councilman Tyner asked about the Mayor and Council's input into the Cultural Arts policy. The City Manager noted that no attention was given to the matching fund proposal and when the Mayor and Council meets with the Cultural Arts Commission to discuss the report this should be stressed. Councilwoman Hovsepien asked if the Humanities Commission will be merged with the Cultural Arts Commission. Councilman Duncan said he has met with the Chairman and she felt it would not be the best course to take. He will be meeting with the Chairman of the Humanities Commission and come back with a recommendation.

3. Councilwoman Hovsepien noted that a letter had been received from the Twinbrook Civic Association re the moving from the Twinbrook Shopping Center of the First National Bank. She asked that this be referred to the Economic Development Council and that a work session be held with the owner of the shopping center. It would seem as leases come up for renewal rent increases cause the tenants to relocate. The Mayor asked the City Manager to call a meeting with all parties so that the entire subject can be explored.

4. Councilwoman Hovsepien referred to a letter received by the Twinbrook Citizens Association requesting a meeting of the United Church for Community Ministries and the residents to explore the City's purchase of the Church property. The Mayor said the City Manager is arranging such a meeting.

5. Councilman Duncan asked if the City testified to the County Council on the Twinbrook Elementary School renovations. He asked for copies of the testimony.

6. Councilman Duncan said the Food Towne store in Baltimore had an article in today's Washington Post. It addressed the fact that they are expanding and they are looking for space from 20 to 30,000 square feet. He asked that the staff contact them.

7. Mayor Freeland noted a letter he had received from the County Executive on Cable Television. He enclosed with it his response. He asked that after the letter is completed a copy be sent to the president of the Montgomery County Chapter of the

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MML. Councilman Tyner noted the County Executive is simply reiterating the original agreement.

Re: Approval of Minutes

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting No. 3-84, were approved.

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting No. 4-84, were approved.

Re: Executive Session

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the meeting was closed for executive session to hold consultation with counsel.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at midnight to convene again in general session on Friday, March 16, 1984, at 7:00 a.m.